

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on January 23, 2003 at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrupf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)

Members Excused: Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)
Rep. Sue Dickenson (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Time counters follow the testimony.

Committee Business Summary:

Hearing & Date Posted: HB 111, 1/6/2003; HB 114, 1/6/2003;
HB 115, 1/6/2003; HB 118, 1/6/2003; HB 151, 1/6/2003
Executive Action: HB 151 DO PASS; HB 198 DO PASS;
HB 118 TABLED

HEARING ON HB 115

Sponsor: REP. SYLVIA BOOKOUT-REINICKE, HD 71

Opening Statement by Sponsor:

REP. BOOKOUT-REINICKE said this is a straightforward bill. It increases the State Emergency Response Committee (SERC) from 19 to 27 people. There will be an amendment to change the three members appointed by the Governor to one from Department of Fish, Wildlife and Parks (FWP), one from Department of Public Health and Human Services (DPHHS) Emergency Medical Services, and one from the Montana Hospital Association (MHA). She gave a handout.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.4}

EXHIBIT(sth14a01)

Proponents' Testimony:

Jim Greene, Administrator of Disaster and Emergency Services Division (DES), testified in support of the bill. He said this allows the same hazardous materials team to be used for all hazards, without having to form a new committee for every emergency. It will be an all-hazards committee to deal with events like terrorism in addition to the present mission. He presented Exhibit 2.

EXHIBIT(sth14a02)

Drew Dawson, DPHHS, Health Systems Bureau Chief, testified in support of the bill.

John Flink, MHA, testified in support of the bill.

Bob Gilbert, Montana Tow Truck Association, testified in support of the bill.

Harold Blatte, Assistant Director, Montana Association of Counties, testified in support of the bill.

Major General Gene Pendergast, Department of Military Affairs, testified in support of the bill.

Kathy McGowan, Montana Sheriff and Peace Officers Association, testified in support of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 3.4 - 13.5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BECKER asked the sponsor if the three new appointees will be instead of ones the Governor would have appointed. **REP. BOOKOUT-REINICKE** replied affirmatively. DPHHS will have two members, but it is a large agency, she added. **REP. BALLANTYNE** asked Mr. Greene why they took the state and local firefighters off the commission. **Mr. Greene** replied that they are still on there. The wording was generalized but the meaning was not changed. **REP. BALLANTYNE** asked why electricians and plumbers are not represented on the commission. **Mr. Greene** said that historically, they worked for the utility companies and were not first responders. **CHAIRMAN BARRETT** asked if there was a fear this commission is getting too big. **Mr. Greene** said that may be, but that some 1,500 personnel in the State should get training for terrorism, animal diseases, flooding and other situations.

{Tape: 1; Side: A; Approx. Time Counter: 13.5 - 18.8}

Closing by Sponsor:

REP. BOOKOUT-REINICKE closed by saying HB 115 has no fiscal impact, that the commission serves without pay as public servants, and that this bill will get the updates into Montana Codes Annotated (MCA).

{Tape: 1; Side: A; Approx. Time Counter: 18.8 - 19.6}

HEARING ON HB 114

Sponsor: **REP. LARRY JENT, HD 29, Bozeman**

Opening Statement by Sponsor:

REP. JENT said he drafted this bill by request of the Capitol Complex Advisory Council to update the advisory process for placing statues, busts, memorials and art in the Capitol Complex. Some of the changes would change permanent placement to long-term placement, and it would be reviewed at 50 years, and this will also correct overcrowding of exhibits. The Council will be able to name a room for an event or person after ten years, and the Department of Administration can temporarily set a memorial up to one year.

{Tape: 1; Side: A; Approx. Time Counter: 19.6 - 27.3}

Proponents' Testimony:

Alan Olson, Montana Historical Society Director and Council Secretary of State, said the bill would add biographical information of previous governors to the busts which are already on display. Also, the Council will be allowed to decide where to place objects. He presented Exhibit 3.

EXHIBIT (sth14a03)

SEN. DUANE GRIMES, SD 20, stated he wants to add an amendment for a major art project from the Senate.

REP. JEFF LASZLOFFY, HD 22, LAUREL said he wants the Montana Constitution original documents on display during sessions to be replaced with facsimiles displayed in the interims for protection.

Betty Babcock, President of Montana Capitol Restoration Foundation, spoke in favor and presented Exhibit 4.

EXHIBIT (sth14a04)

Tom Beck, Governor's Advisor, spoke in favor.

Chris Gauss, Governor's Office, spoke in favor.

Doug Monger, Parks Division Administrator, FWP, spoke in favor.

REP. DAVE WANZENRIED, HD 68, MISSOULA, proposed an amendment to the ten-year time lines, to honor Francis Bardenouve.

EXHIBIT (sth14a05)

{Tape: 1; Side: A; Approx. Time Counter: 27.3 - 55.6}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BROWN asked **Mr. Olson** if the 50-year time limit starts from the time the piece was originally placed, or starts now. **Mr. Olson** said after 50 years the committee reviews placement so reviews don't all come due at once. **REP. BROWN** asked for clean-up language. **Mr. Olson** said he will work on an amendment to do

that. **REP. HURWITZ** asked if the ten-year lapse applied to bricks outside. **Mr. Olson** said it only applied to larger objects; the brick sale was a fund-raiser.

REP. WAGMAN asked if there is a short-term review policy. He cited a room named for a living person in the Secretary of State Office. **Mr. Olson** said that their goal is consistency in naming major components, and that the Secretary of State Office is not open to the public. **REP. WAGMAN** asked him how he would deal with that room's name now. **Mr. Olson** said the Plan has those details covered, and he will provide that information to committee.

CHAIRMAN BARRETT asked Mr. Monger how many FTEs are employed in taking care of the capitol. **Mr. Monger** said approximately six FTEs to cover the 90 acres, and it is paid for by all users from a proprietary fund.

{Tape: 1; Side: A; Approx. Time Counter: 55.6 - 66}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 0.8}

Closing by Sponsor:

REP. JENT closed on HB 114 by saying the bill gives structure, direction and authority to the Council.

{Tape: 1; Side: B; Approx. Time Counter: 0.8 - 2}

HEARING ON HB 118

Sponsor: **REP. RALPH LENHART, HD 2, Glendive**

Opening Statement by Sponsor:

REP. LENHART said the only thing this bill does is change the definition of "veteran," on the bottom of Page 5.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BECKER asked what the new definition of veteran is. **REP. LENHART** said this bill is redundant; it does what an earlier bill already did; he will ask for it to be tabled.

Closing by Sponsor:

REP. LENHART said he wants this bill tabled.

{Tape: 1; Side: B; Approx. Time Counter: 2 - 4}

HEARING ON HB 151

Sponsor: REP. BERNIE OLSON, HD 76

Opening Statement by Sponsor:

REP. BERNIE OLSON said this bill changes only one word of law to allow counties to pay more than minimum wage to election judges.

Proponents' Testimony:

Janice Doggett, Chief Legal Counsel, Secretary of State, testified in favor.

Harold Blatte, Assistant Director, MACo, testified in favor.

Robert Throsell, Montana Association of Clerks and Recorders, testified in favor.

Clifford Roessner, Helena, testified in favor.

Paulette DeHart, Lewis & Clark County Election Administrator, testified in favor. She said there are 300 judges in this county alone, and it is hard to recruit.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. WAGMAN asked if the election judges were covered under unemployment compensation. Ms. Doggett replied that they are contracted employees, covered under the city or county contracts.

Closing by Sponsor:

REP. OLSON urged do pass.

{Tape: 1; Side: B; Approx. Time Counter: 6.4 - 16.4}

HEARING ON HB 111

Sponsor: REP. DEE BROWN, HD 83

Opening Statement by Sponsor:

REP. BROWN said amendments will be coming on HB 111 bill, which was HB 243 last session. It limits bill drafts to force people to prioritize and will result in less government, she said. It costs an average of \$2,000 per bill; and 2,130 new bills this session is a record number. She stated that term limits aggravate the problem, with 30 new legislators this session.

{Tape: 1; Side: B; Approx. Time Counter: 17.2 - 21.5}

Proponents' Testimony:

REP. DEBBY BARRETT, HD 34, stated her strong support.

Nancy Schlepp, Montana Farm Bureau lobbyist, said her organization limits their bill requests to save money, and that everyone should do that.

{Tape: 1; Side: B; Approx. Time Counter: 21.5 - 23.9}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LENHART asked REP. BROWN if she could lower the number allowed. He said 150 legislators times ten bills each still equals a lot of bills even before the agencies request theirs.

REP. BROWN said she would try to cut it down. REP. BERNIE OLSON asked if other states do this. REP. BROWN said she doubts it, but Montana is one of the few states with a citizen legislature meeting only every other year. A 90-day session crams a lot in, she added.

REP. HURWITZ said 2/3 of the bills on the Floor so far were agency bills of corrections. He asked if there was another way to do this. REP. BROWN stated that agencies need to prioritize bill requests, too. REP. ROBERTS asked if fewer bills result in better tracking. REP. BROWN said it would be efficient to combine efforts versus all doing their own thing on the same topic. REP. LENHART wondered if the bi-partisan support in the early days of the session was because fewer bills were in and

legislators had more time to talk. He asked if it were true there is no such thing as a new bill. **REP. BROWN** agreed.

REP. WAGMAN asked Sheri Heffelfinger, Legislative Branch, if this bill would help her office. **Ms. Heffelfinger** said the assumption on the fiscal note is based on the limit on introduced bills, not on drafts requested, so it may not help her office. **REP. ALAN OLSON** said it is a problem with individual legislators and also the habit of the leadership to ask for "placeholder bills" which generally revise laws. **The sponsor** said that was part of the problem. She will have language changed to be more specific on the fiscal note how much can be saved. The leadership should spread the job out, she said. **REP. OLSON** asked if leadership wanted her to take seven of ten placeholders, if she would do it. She said she would not.

REP. OLSON asked if the Farm Bureau brought a bill, if she would you take it over one of her constituents. She replied, "Only if it had a large constituency and huge backing." **REP. OLSON** said the Farm Bureau and Stockgrowers are limiting their bills, so associations like that would be limited in who could carry their legislation. **REP. BROWN** disagreed. If they have good ideas, any legislator would carry it, she said. **REP. GIBSON** asked if there were any conflict between cleaning out the code versus limiting bills. **REP. BROWN** said each agency would have one cleanup bill for all changes.

{Tape: 1; Side: B; Approx. Time Counter: 23.9 - 39.7}

Closing by Sponsor:

REP. BROWN said she is open to suggestions on HB 111. Working together will save tax dollars, allow more time to important committee work, and separate housekeeping bills from the others.

{Tape: 1; Side: B; Approx. Time Counter: 39.8 - 41.4}

EXECUTIVE ACTION ON HB 118

Motion: **REP. JENT** moved HB 118 DO PASS.

Substitute Motion/Vote: **REP. LENHART** made a substitute motion to TABLE HB 118. By voice vote, TABLE HB 118 carried 19-0 with REPS. DICKENSON, WINDY BOY, and YOUNKIN voting by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 42.5 - 44.3}

EXECUTIVE ACTION ON HB 151

Motion/Vote: REG. WAGMAN moved HB 151 DO PASS. On a voice vote, motion carried 19-0, with REPS. DICKENSON, WINDY BOY, and YOUNKIN voting by proxy.

EXECUTIVE ACTION ON HB 138

CHAIRMAN BARRETT stated amendments were to have been submitted. REP. LEWIS will be contacted for amendments.

{Tape: 1; Side: B; Approx. Time Counter: 44.3 - 45}

EXECUTIVE ACTION ON HB 198

Motion: REP. ALAN OLSON moved HB 198 DO PASS.

Discussion:

REP. OLSON said that the Secretary of State talked to the Attorney General (AG) about this, and they don't need an amendment to change the wording on ballot referendums. REP. BROWN asked him if double negatives didn't confuse a lot of people. REP. BECKER agreed that double negatives were confusing. REP. LEHMAN said either way it's confusing to some voters. REP. BROWN asked if there is a statute that requires the Secretary of State to require wording so that a vote For reflects a positive and a vote Against reflects a negative action against it.

REP. BALLANTYNE remarked that the Secretary of State distributes a Voter's Manual to clarify every ballot issue, which explains how carefully voters need to read the language. CHAIRMAN BARRETT noted that people don't read the booklet. REP. OLSON provided Exhibit 6, an actual referendum issue on HB 474, and replied to REP. BALLANTYNE that it is the AG's Office which words the ballot. REP. HURWITZ said the voters get confused. CHAIRMAN BABBITT said REP. LAMBERT worked with the AG on this, the AG supports it without amendments.

REP. A. OLSON said a referendum is to repeal legislation. Ms. Heffelfinger clarified that a referendum is to respond to an act of the legislature. In another situation, if an Act was to repeal something, then the referendum would be to overturn the legislation and keep the original bill. REP. BECKER said she is still confused. REP. JACOBSON said the language in the bill may not solve all problems but it's in the right direction. REP.

LENHART agreed. **REP. LEHMAN** mentioned the game farm bill and how confusing it was. **REP. WAGMAN** admitted he "voted wrong" on Referendum I-117 by not reading it more closely. **REP. GIBSON** said she was willing to give it a try and that they could always change back. Question was called.

EXHIBIT (sth14a06)

Vote: On a voice vote, **HB 198 DO PASS** carried 19-0, with **REPS. DICKENSON** and **WINDY BOY** voting by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 45 - 60}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 4.6}

ADJOURNMENT

Adjournment: 10:05 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (sth14aad)